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CHIEF CLERK'S OFFICE

IN RE:)	
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ILLINOIS COMMERCE COMMISSION)	
On Its Own Motion)	
)	DOCKET NOS. 01-0828/02-0173
v.)	(Consolidated)
)	
MIDAMERICAN ENERGY COMPANY)	

MOTION FOR PROTECTIVE ORDER

MidAmerican Energy Company ("MidAmerican") respectfully moves the Illinois Commerce Commission ("Commission") for entry of a protective order governing the filing, copying, review, use, and disposition of certain MidAmerican responses to Illinois Commerce Commission Staff ("Staff") Data Requests pertaining to an insurance settlement received by MidAmerican. In support of its motion, MidAmerican states as follows:

1. Section 4-404 of the Public Utilities Act states that the "Commission shall provide adequate protection for confidential and proprietary information furnished, delivered or filed by any person, corporation or other entity." 220 ILCS 5/4-404.

2. Section 200.430 of the Commission's Rules of Practice states that

"At any time during the pendency of a proceeding, the Commissioner or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies." 83 Ill. Adm. Code §200.430(a).

Similarly, Section 200.605 identifies the procedure to be followed in identifying and treating testimony, exhibits, and other documents in hearings which contain confidential or proprietary information or trade secrets. 83 Ill. Adm. Code 200.605.

3. These consolidated dockets constitute the annual reconciliation and periodic filing of MidAmerican's electric and gas cost recovery factors determined under its Recovery of Environmental Costs Rider No. 14 (for electric operations) and Recovery of Environmental Costs Rider No. 10 (for gas operations), [collectively, the "Riders"]. Within the reconciliation period at issue in this proceeding, MidAmerican received proceeds from an insurance settlement it successfully negotiated with one of its insurers.

4. The insurance settlement in question included MidAmerican's coal tar remediation site located in Illinois. Consequently, it is appropriate to allocate a portion of the proceeds to Illinois and to include such proceeds in MidAmerican's Riders.

5. The Settlement Agreement and Release pertaining to the insurance settlement in question is confidential—both as to its precise contractual terms and its operation. Contractually, the pertinent provision is, in part, as follows:

Confidentiality: This Agreement and Release, all of the terms and information contained herein, all of the negotiations leading to it, all of the communications generated pursuant to it, and the implementation thereof (collectively, "Confidential Compromise Material"), shall be kept strictly confidential and shall not be disclosed to any person, corporation or other entity not a Party to this Agreement and Release except (i) in response to a judicial order compelling disclosure or as may otherwise be required by law or regulation or be necessary to defend or assert claims by or against any party hereto in a judicial proceeding.

Consequently, from a contractual perspective, MidAmerican is compelled to maintain the strict confidentiality of the Settlement Agreement and Release. The requirements and

obligations of the Public Utilities Act and the Commission's regulations require MidAmerican to provide such information as may be necessary to comply with the Commission's orders in these consolidated proceedings, but such should be done only under the most stringent application of the Commission's rules on confidentiality.

6. From an operational perspective, it is also imperative that the Settlement Agreement and Release, the terms and information contained therein, and its implementation be accorded full and complete confidential treatment. The release of such information to the public would have a profound chilling effect on MidAmerican's ongoing efforts to negotiate additional agreements. Such a result would be contrary to the best interests of MidAmerican and its customers.

7. The specific information for which MidAmerican requests confidential treatment consists of MidAmerican's responses to Staff Data Request Nos. SDR-20(a), BCJ-019, and BCJ-020. These data requests refer to confidential information contained in the same Settlement Agreement and Release which was the subject of a Motion for Protective Order filed by MidAmerican on, or about, December 19, 2001. That Motion for Protective Order (pertaining to the Settlement Agreement and Release, per se) was docketed as Docket No. 01-0828 and consolidated with MidAmerican's coal tar cost proceeding. It is MidAmerican's understanding that a ruling on that Motion is pending. Mr. Krueger also refiled certain schedules to reflect MidAmerican's agreement with revisions recommended by Commission Staff. Those schedules, which were the subject of the December 19, 2001 Motion for Protective Order, should also be granted confidential treatment for the reasons set forth in this Motion for Protective Order and the one filed on December 19, 2001.

8. MidAmerican requests all information concerning the referenced MidAmerican responses to Staff data requests pertaining to the Settlement Agreement and Release be accorded confidential treatment. The information for which confidential treatment is sought has been separated from the remainder of this filing and has been clearly marked as "CONFIDENTIAL." A public redacted version of such information is also being filed. MidAmerican further requests that no references to such information be made in filings, briefs, arguments, testimony, or at hearing by any party except in accordance with the Commission's rules and orders on confidentiality.

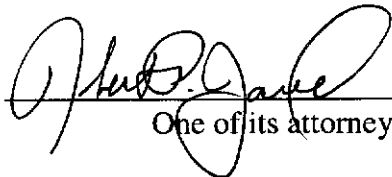
9. The Settlement Agreement and Release relating to the MidAmerican data request responses at issue does not contain an expiration clause. Consequently, in accordance with Section 200.430(b), MidAmerican requests an appropriate protective order be issued in perpetuity.

10. Accompanying this Motion for Protective Order is a Verification from an officer of MidAmerican attesting to the accuracy of the information stated herein.

WHEREFORE, MidAmerican Energy Company requests the Commission grant the relief requested herein and issue an appropriate Protective Order.

Respectfully submitted,

MIDAMERICAN ENERGY COMPANY

By _____
One of its attorneys

Robert P. Jared
Senior Attorney
MidAmerican Energy Company
One RiverCenter Place
106 East Second Street
P.O. Box 4350
Davenport, Iowa 52808
Telephone: 319/333-8005
Facsimile: 319/333-8021
E-mail: rpjared@midamerican.com

VERIFICATION

STATE OF IOWA)
) ss.
COUNTY OF SCOTT)

I, Cathy S. Woollums, being first duly sworn on oath, depose and state that I am Vice President-Environmental Services and an officer of MidAmerican Energy Company.

I further depose and state that I have read the Motion for Protective Order of MidAmerican Energy Company and am familiar with the contents thereof. I further state that the information contained in the Motion for Protective Order is true and correct to the best of my knowledge and belief.



Cathy S. Woollums

Subscribed and sworn to before me,
a Notary Public in and for Scott County,
Iowa, this 13th day of September, 2002.



Notary Public

